


To:		New York State Department of Transportation <b>ENGINEERING          BULLETIN</b>	<b>EB</b> <b>99-055</b>
<i>Expires one year after issue unless replaced sooner</i>			
Title: <b>ENVIRONMENTAL COMMITMENTS &amp; OBLIGATIONS PACKAGE (ECOPAC) FOR CONSTRUCTION</b>			
Distribution: <b>9</b> Manufacturers (18) : Main Office (30) <b>9</b> Local Govt. (31) : Regions/Agencies (32)		Approved: <div style="display: flex; justify-content: space-between;"> <div> <b>9</b> Surveyors (33)          : Consultants (34)  <b>9</b> Contractors (39)  <b>9</b> _____ ( )       </div> <div> <u>/s/ P. J. Clark</u>          P. J. Clark, Deputy Chief Engineer (Design)    <u>/s/ J. F. Tynan</u>          J. F. Tynan, Deputy Chief Engineer (Construction)    <u>/s/ Garry R. McVoy</u>          G. R. McVoy, PhD., Director (Environmental Analysis Bureau)       </div> <div> <u>07/06/99</u>          Date    <u>07/07/99</u>          Date    <u>06/29/99</u>          Date       </div> </div>	

## ADMINISTRATIVE INFORMATION

The purpose of this Engineering Bulletin (EB) is to announce the formal use of Environmental Commitments and Obligations Package (ECOPAC) for Construction form for all Department projects, to transmit the ECOPAC for Construction form, to provide background on the development of ECOPAC for Construction, to provide explanation of roles and responsibilities and implementation sequencing for use of the ECOPAC for Construction form on Department projects. This EB is effective for all projects with Design Approval after July 15, 1999.

## TRANSMITTED MATERIAL

This EB transmits the ECOPAC for Construction form for use by Design and Construction staff.

## BACKGROUND

The Department makes numerous environmental commitments and obligations to regulatory agencies and the public throughout the planning and design of Department projects. These commitments and obligations are reflected in project-specific permits and in the contract documents. To address these environmental commitments and obligations, the ECOPAC for Construction form serves three primary purposes:

- (1) presents a systematic, simple and standardized tool to highlight and transfer environmental commitments made during project design to construction staff;
- (2) provides an improved and simplified environmental audit reporting tool for construction projects;
- (3) acts as an environmental awareness tool for planning, design and construction staff.

The ECOPAC for Construction form was introduced in the Regions in February of 1998 for use as a reporting tool for construction projects on the Environmental Audit for State Agencies. ECOPAC for Construction was piloted for Design projects in SFY 98/99.

ECOPAC for Construction procedures will be presented in the new Environmental Procedures Manual (EPM) Chapter 2.10. Until EPM Chapter 2.10 is released, this Engineering Bulletin serves to issue ECOPAC for Construction as Department policy for all Design projects with Design Approval after July 15, 1999.

## ROLES AND RESPONSIBILITIES

### Project Designer:

- , completes the left side of the ECOPAC for Construction form during Design Phases I-IV to highlight environmental issues and associated permits/approvals obtained for the project;

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- , coordinates with the Regional Construction Group and Regional Landscape/Environmental Unit (RL/EU), particularly at Design Phase V, Advanced Detail Plans (ADP), to ensure that information is accurately presented in the ECOPAC for Construction form; and
- , transfers package from Design to Construction, including the completed and signed ECOPAC for Construction form, all environmental permits, and the Design Approval Document, during Design Phase VI after the letting date or during the preconstruction stage meeting.

### Engineer-in-Charge (EIC):

- , files the ECOPAC for Construction form and this EB in Construction Administration Manual (CAM) Section 90;
- , becomes familiar with environmental issues on the project by consulting with Project Designer and RL/EU as appropriate, and by reviewing the information on the left side of the ECOPAC for Construction form and project-specific permit conditions and special notes in contract plans and proposal;
- , refers to the completed ECOPAC for Construction form throughout project construction to monitor environmental compliance;
- , checks off and initials applicable boxes on left side of ECOPAC for Construction form if previously unidentified issue(s) is encountered during construction;
- , consults with the Project Designer and/or RL/EU regarding environmental issues, as appropriate;
- , completes and signs the right side of ECOPAC for Construction form as part of the annual environmental audit to NYSDEC; and
- , reports any noncompliance with NYSDEC regulations to the Regional Environmental Audit Coordinator (REAC).

### Regional Landscape/Environmental Unit (RL/EU):

- , consults with Regional Design Group and Regional Construction Group throughout project planning, design, and construction to ensure that the ECOPAC for Construction form is completed and interpreted correctly or to address any questions that arise.

## IMPLEMENTATION SEQUENCING

Design Phases I-IV (Preliminary Design): The Project Designer, in consultation with the RL/EU, fills out the left side of the ECOPAC for Construction form (relevant Env. Issues and Permits/Approvals) as the project develops. Refer to page A-6 of Design Procedure Manual (DPM) Appendix A.

Design Phase V (Advanced Detail Plans (ADP): The Project Designer, in consultation with the RL/EU and Regional Construction Group, finalizes and signs the ECOPAC for Construction form for the project as much as possible and distributes with ADPs for review by RL/EU and Regional Construction Group.

Design Phase VI (Final Plans, Specifications & Estimate (PS&E): The Project Designer, in consultation with the RL/EU and Regional Construction Group, transfers the final ECOPAC for Construction form, all environmental permits and the Design Approval Document to the EIC after the letting date or during the preconstruction stage meeting. The EIC reviews ECOPAC for Construction form, special notes in the contract plans and proposal, and special permit conditions. Refer to the Design Phase VI steps in Part II of the DPM.

Construction: The EIC refers to ECOPAC for Construction form throughout construction and contacts the Project Designer and/or RL/EU if environmental issues are identified or questions arise. If an environmental issue is identified during construction, the EIC fills out the applicable boxes on the left side of the form and signs initials next to the applicable boxes. If a noncompliance event occurs, the EIC coordinates with the REAC and/or the RL/EU, indicates Noncompliance on the right side of the ECOPAC for Construction form, and takes remedial action.

Post-construction or end of state fiscal year (SFY): The EIC, in consultation with the REAC and Project Designer, completes and signs the right side of ECOPAC for Construction form (Compliance Requirements and, if applicable, Noncompliance Rank). The EIC coordinates with the REAC if noncompliance occurs to assign a noncompliance rank and complete the appropriate audit forms. NYSDOT is required to report compliance with only the NYSDEC requirements on the annual environmental audit for state agencies. The EIC files the completed ECOPAC for Construction form in the project files after project completion.

## DEPARTMENT CONTACTS

For questions on regulations, permits, or other environmental compliance information, please contact your Regional Landscape/Environmental Unit. General questions regarding ECOPAC for Construction should be addressed to Debra Nelson (518) 485-5479 or Laura Greninger (518) 485-5316 of the Environmental Analysis Bureau.

# ENVIRONMENTAL COMMITMENTS & OBLIGATIONS PACKAGE (ECOPAC) for CONSTRUCTION

Project Name:

PIN:

D#:

Contact names/phone -

Project Designer:  
Engineer-In-Charge:Regional Environmental Contact:  
Reg. Environmental Audit Coordinator:

## WETLANDS; WATER; FISH, WILDLIFE &amp; MARINE; AGRICULTURE

Environ. Issue	Construction Issues	Permit/Approval Obtained (Expected)	Audit Reg #	Compliance Requirements	Noncompliance (Rank)#
<b>Wetlands</b> 9 not identified during Design	No construction, grading, filling, excavating, clearing, stockpiling, storing, staging, or other related activities allowed in wetlands unless permitted and shown on Contract Plans or noted within Contract Proposal. Activities are regulated in state wetland adjacent areas (generally 100 ft for freshwater; 300 ft for tidal). After construction, submit to Corps of Engineers (COE) signed nationwide compliance certification for COE NWP#26 and post-construction report for NWP #26 for impacts under a acre. Note: permits are activity-specific; any additional impact, incl. for off-site disposal, may require a permit.	9 ECL Article 24 permit <sup>S1,SS</sup> (_____) 9 ECL Article 25 permit <sup>S1</sup> (_____) 9 EL Article 27 permit <sup>SS</sup> (_____) 9 Section 404 Individual permit <sup>F1</sup> (_____) 9 Section 404 Nationwide permit <sup>F1</sup> (_____) (NWP#_____) 9 Section 401 Water Quality Certification <sup>S1</sup> (_____) 9 Executive Order 11990 <sup>F7</sup> 9 NO ACTION REQUIRED	20 43 n/a n/a n/a n/a 49 n/a	9 Complied w/ Article 24 wetland permit 9 Complied w/ Art. 25 tidal wetland permit 9 Complied with APA Article 27 wetland permit 9 Complied with COE Section 404 Individual permit 9 Submitted NWP Compliance Certificate (NWP#26 only) 9 Submitted Post-construction report (NWP#26 only) 9 Complied with DEC Section 401 Water Quality Certificate 9 Complied with Executive Order 11990 9 ISSUE NOT ENCOUNTERED	9 Not in Compliance (N____)# 9 Not in Compliance (N____)# 9 Not in Compliance 9 Not in Compliance 9 Not in Compliance 9 Not in Compliance 9 Not in Compliance (N____)# 9 Not in Compliance
<b>Surface Waters</b> 9 not identified during Design	Operate in or near surface waters in a manner to prevent damage from pollution by debris, sedimentation or other foreign material or from manipulation of equipment and/or materials in or near such surface waters. Comply with all time of year restrictions. Implement erosion and sediment control items as required as shown on the plans and directed by the engineer. Minimize area of bare soil exposed at any one time. File SPDES Notice of Termination (NOT) as required. Post copy of SPDES Notice of Intent (NOI) with brief description of project on site.	9 ECL Article 15 MOU coordination <sup>S1</sup> 9 Section 401 Water Quality Certificate <sup>S1</sup> (_____) 9 Section 404 Individual permit <sup>F1</sup> (_____) 9 Section 404 Nationwide permit <sup>F1</sup> (_____) (NWP#_____) 9 SPDES Stormwater General Permit for Construction <sup>S1</sup> (_____) 9 NPDES General Permit on Indian Lands <sup>F5</sup> (_____) 9 Erosion & Sediment Control Plan 9 NYCDEP Stormwater Pollution Prevention Plan <sup>S6</sup> (_____) 9 NO ACTION REQUIRED	23 49 n/a n/a 58B 58B n/a n/a n/a	9 Complied with DEC/DOT MOU 9 Complied with DEC Section 401 Water Quality Certificate 9 Complied with COE Section 404 Individual permit 9 Submitted NWP Compliance Certification (NWP#26 only) 9 Complied with SPDES General Permit 9 Filed SPDES NOT 9 Complied w/ NPDES General Permit 9 Implemented eros. & sed. cont. plan 9 Implemented NYCDEP Stormwater Pollution Prevention Plan 9 ISSUE NOT ENCOUNTERED	9 Not in Compliance (N____)# 9 Not in Compliance (N____)# 9 Not in Compliance 9 Not in Compliance 9 Not in Compliance (N____)# 9 Not in Compliance (N____)# 9 Not in Compliance 9 Not in Compliance 9 Not in Compliance 9 Not in Compliance
<b>Navigable Waters</b> 9 not identified during Design	Activities that may obstruct or alter navigable waters, including filling and dredging, are prohibited without a permit and as shown on Contract Plans or noted within Contract Proposal. Minimize amount of disturbance to the ground to minimize water turbidity.	9 Section 10 permit <sup>F1</sup> (_____) 9 Section 9 permit <sup>F2</sup> (_____) 9 NO ACTION REQUIRED	n/a n/a	9 Complied with COE Section 10 permit 9 Complied with USCG Section 9 permit 9 ISSUE NOT ENCOUNTERED	9 Not in Compliance 9 Not in Compliance
<b>Aquifer</b> 9 not identified during Design	Apply erosion and sediment control and stormwater management practices in aquifer areas. Avoid refueling or storage of hazardous materials in aquifer areas.	9 NYSDEC consultation (TOGS 2.1.3) <sup>S1</sup> 9 Section 1424(e) consultation <sup>F5</sup> 9 NO ACTION REQUIRED	n/a	9 Implemented erosion & sediment control and stormwater management practices in aquifer area 9 ISSUE NOT ENCOUNTERED	9 Not in Compliance

# ENVIRONMENTAL COMMITMENTS & OBLIGATIONS PACKAGE (ECOPAC) for CONSTRUCTION

## WETLANDS; WATER; FISH, WILDLIFE & MARINE; AGRICULTURE (cont'd)

<u>Environ. Issue</u>	<u>Construction Issues</u>	<u>Permit/Approval Obtained (Expected)</u>	<u>Audit Reg #</u>	<u>Compliance Requirements</u>	<u>Noncompliance (Rank)<sup>#</sup></u>
<b>Coastal Area</b> <i>9 not identified during Design</i>	Special restrictions apply for work in coastal erosion hazard areas, designated coastal areas and inland waterways, and Coastal Barriers Resources System (CBRS).	9 ECL Article 34 permit <sup>S1</sup> (____) 9 EL Art. 42 coastal consistency review <sup>S2</sup> 9 16USC 3501-3510 coordination <sup>F4, F7</sup> 9 NO ACTION REQUIRED	52 n/a n/a	9 Complied with DEC Article 34 permit 9 Consistent with DOS coastal policies 9 Project permitted in CBRS 9 ISSUE NOT ENCOUNTERED	9 Not in Compliance (N____) <sup>#</sup> 9 Not in Compliance 9 Not in Compliance
<b>Endangered Species</b> <i>9 not identified during Design</i>	No taking, possession, transporting, destruction or removal of any state/federal endangered/threatened plant, fish, shellfish, crustacea, or wildlife species is allowed.	9 ECL Article 9 consultation <sup>S1</sup> (____) 9 ECL Article 11 consultation <sup>S1</sup> (____) 9 Section 7 consultation <sup>F4</sup> (____) 9 NO ACTION REQUIRED	37A 22	9 No protected plant collected/destroyed 9 No end./thr. fish or wildlife species taken, transported, possessed, sold 9 ISSUE NOT ENCOUNTERED	9 Not in Compliance (N____) <sup>#</sup> 9 Not in Compliance (N____) <sup>#</sup>
<b>Destructive Wildlife</b> <i>9 not identified during Design</i>	Permit is required to take protected wildlife, including beaver, that become a nuisance or are destructive to public or private property or are a threat to public health and welfare. Freshwater wetlands permit may be needed to modify/remove beaver dams.	9 ECL Article 11 permit <sup>S1</sup> (____) 9 ECL Article 24 permit <sup>S1, S5</sup> (____) 9 NO ACTION REQUIRED	18 20	9 Complied with DEC Article 11 destructive wildlife permit to take 9 Complied with DEC Article 24 wetland permit 9 ISSUE NOT ENCOUNTERED	9 Not in Compliance (N____) <sup>#</sup> 9 Not in Compliance (N____) <sup>#</sup>
<b>Agriculture</b> <i>9 not identified during Design</i>	Any project impacting more than 1 ac. from one farm within an Agric. District, or more than 10 ac. within any one Agric. District, must complete the Notice of Intent process for the NYS Dept. of Ag & Markets. Any federally funded project converting prime or unique farmland, or farmland of local or statewide importance, must have form AD 1006 filed w/ Natural Resources Conservation Service and a subsequent determination made. Consult with your REC if any construction activities are taking place on farmland (e.g., borrow areas).	9 1 NYCRR Part 371 <sup>S8</sup> 9 7 CFR Part 657 & 658 <sup>F9</sup> 9 NO ACTION REQUIRED	n/a n/a	9 Filed NOI with NYS Ag. & Markets in compliance with 1 NYCRR Part 371 9 Filed AD 1006 in compliance with 7 CFR Parts 657 & 658 9 ISSUE NOT ENCOUNTERED	9 Not in Compliance 9 Not in Compliance

## AIR RESOURCES; ASBESTOS

<u>Environ. Issue</u>	<u>Construction Issues</u>	<u>Permit/Approval Obtained (Expected)</u>	<u>Audit Reg #</u>	<u>Compliance Requirements</u>	<u>Noncompliance (Rank)<sup>#</sup></u>
<b>Air Quality Monitoring</b> <i>9 not identified during Design</i>	Air quality monitoring is performed on certain projects with sensitive air quality issues.	9 Agreements with NYSDEC/NYSDOH <sup>S1, S7</sup> 9 NO ACTION REQUIRED	n/a	9 Performed air quality monitoring 9 ISSUE NOT ENCOUNTERED	9 Not in Compliance
<b>Air Quality Conformity</b> <i>9 not identified during Design</i>	Air quality analysis may be required for projects with changes in horizontal or vertical alignment or operating conditions (e.g., installation of traffic signals at previously unsignalized intersections).	9 6 NYCRR Part 240 <sup>S1</sup> 9 40 CFR Part 93 <sup>F5</sup> 9 40 CFR Parts 6, 51 and 93 <sup>F5</sup> 9 NO ACTION REQUIRED	n/a	9 Air quality analysis required and completed to include significant changes. Compliance with air quality standards demonstrated. 9 NO ANALYSIS REQUIRED	9 Not in Compliance
<b>Asbestos Abatement</b> <i>9 not identified during Design</i>	Asbestos abatement must be performed by NYSDOL licensed handling company using NYSDOL certified supervisor(s) and handlers. Prior project notification is required for USEPA and NYSDOL. Independent compliance air monitoring is required as specified in 12NYCRR Part 56.	9 12 NYCRR Part 56 requirements <sup>S4</sup> 9 29 CFR 1926.1101 requirements <sup>F5</sup> 9 40 CFR Part 61 Subpart M requirem'ts <sup>F5</sup> 9 NO ACTION REQUIRED	n/a n/a n/a n/a	9 NYSDOL-licensed co. performed work 9 NYSDOL-cert. personnel performed work 9 Performed independent compliance air monitoring of project 9 Notified USEPA and NYSDOL 9 ISSUE NOT ENCOUNTERED	9 Not in Compliance 9 Not in Compliance 9 Not in Compliance 9 Not in Compliance
<b>Asbestos Material Transport &amp; Disposal</b> <i>9 not identified during Design</i>	Friable asbestos-containing material (ACM) waste must be transported by a permitted hauler (request copy of Part 364 permit) and disposed in an approved asbestos waste facility. Non-friable ACM may be disposed in approved C&D site.	9 6 NYCRR Part 364 requirements <sup>S1</sup> 9 6 NYCRR Part 360 requirements <sup>S1</sup> 9 NO ACTION REQUIRED	28 50A	9 Used confirmed licensed transporter 9 Used confirmed authorized ACM facility 9 ISSUE NOT ENCOUNTERED	9 Not in Compliance (N____) <sup>#</sup> 9 Not in Compliance (N____) <sup>#</sup>

# ENVIRONMENTAL COMMITMENTS & OBLIGATIONS PACKAGE (ECOPAC) for CONSTRUCTION

## LEAD PAINT; HAZARDOUS MATERIALS; ENVIRONMENTAL REGULATORY FEES

<u>Environ. Issue</u>	<u>Construction Issues</u>	<u>Permit/Approval Obtained (Expected)</u>	<u>Audit Reg #</u>	<u>Compliance Requirements</u>	<u>Noncompliance (Rank)<sup>#</sup></u>
<b>' Lead Paint</b> 9 <i>not identified during Design</i>	Lead paint removal of any significant amount requires compliance w/ hazardous waste and air quality requirements. Air quality monitoring may be required. Refer to Hazardous Waste Storage, Transport & Disposal and Air Quality Monitoring.	' Hazardous Waste Storage, Transport & Disposal requirements ' Air Quality Monitoring requirements 9 NO ACTION REQUIRED	n/a	' Hazardous waste and air quality requirements met during lead paint removal operations (refer to relevant sections) 9 ISSUE NOT ENCOUNTERED	9 Not in Compliance
<b>' Petroleum-contaminated Material</b> 9 <i>not identified during Design</i>	Soils and other materials contaminated with petroleum products (at non-hazardous waste levels) must be identified and disposed of as industrial solid waste at permitted facilities or as per NYSDEC agreed method. Storage prior to disposal must not exceed 60 days unless approved by NYSDEC. Quantities >500 lbs must be transported by a licensed waste hauler.	9 6 NYCRR Parts 360, 364 requirements <sup>S1</sup> 9 Spill Technology and Remediation Series (STARS) memo #1: Petroleum Contaminated Soil Guidance Policy <sup>S1</sup> 9 NO ACTION REQUIRED	50A	9 Petroleum contaminated soil properly identified and disposed in compliance with DEC requirements 9 ISSUE NOT ENCOUNTERED	9 Not in Compliance (N____) <sup>#</sup>
<b>' Tanks</b> 9 <i>not identified during Design</i>	Register with NYSDEC stationary petroleum tanks exceeding 1100 gal in total at a facility and any chemical tanks (containing hazardous substances listed in Table 51-1 of NYSDEC Audit Guidance). Registration must be valid until tanks are permanently closed (i.e., removed during construction) unless waived by NYSDEC. Notify NYSDEC Spills Unit upon discovery of any releases from tanks and/or 30 days in advance of permanent tank closure. Pay appropriate storage fees to NYSDEC.	9 6 NYCRR Part 612 & 613 requirements <sup>S1</sup> 9 6 NYCRR Part 596 requirements <sup>S1</sup> 9 NO ACTION REQUIRED	56 56C 51 51C	9 Registered petroleum tanks or got waiver 9 Paid petroleum bulk storage fee 9 Registered chemical tanks 9 Paid chemical bulk storage fee 9 ISSUE NOT ENCOUNTERED	9 Not in Compliance (N____) <sup>#</sup> 9 Not in Compliance (N____) <sup>#</sup> 9 Not in Compliance (N____) <sup>#</sup> 9 Not in Compliance (N____) <sup>#</sup>
<b>' Pesticides Application</b> 9 <i>not identified during Design</i>	Pesticides (including herbicides) may only be applied by certified commercial applicators in conformance with label instructions using only products registered with NYSDEC. Pesticides cannot be applied without a permit within 100 feet of a state-regulated wetland or in any non-isolated waters.	9 6 NYCRR Part 325 requirements <sup>S1</sup> 9 6 NYCRR Part 326 requirements <sup>S1</sup> 9 ECL Article 24 wetlands permit <sup>S1</sup> (_____) 9 6 NYCRR Part 327 permit <sup>S1</sup> (_____) 9 NO ACTION REQUIRED	26 25A 20  27	9 Used certified commercial applicator 9 Registered pesticides with NYSDEC 9 Obtained Article 24 wetlands permit 9 Obtained aquatic pesticide (Part 327) permit 9 ISSUE NOT ENCOUNTERED	9 Not in Compliance (N____) <sup>#</sup> 9 Not in Compliance (N____) <sup>#</sup> 9 Not in Compliance (N____) <sup>#</sup> 9 Not in Compliance (N____) <sup>#</sup>
<b>' Hazardous Waste Storage</b> 9 <i>not identified during Design</i>	If the project will generate more than 100 kg/mo. of hazardous waste, obtain an EPA ID no. Properly label, store, and inspect containers of hazardous waste and dispose within designated time frames (i.e., 90 days). Complete annual generator reports if facility exceeds hazardous waste generation of 1000 kg/mo.	9 6 NYCRR Part 372 requirements <sup>S1</sup> 9 6 NYCRR Part 373-3.9 and 373-1.1(d)(1)iii or iv requirements <sup>S1</sup> 9 6 NYCRR Part 372 requirements <sup>S1</sup> 9 6 NYCRR Part 372 requirements <sup>S1</sup> 9 NO ACTION REQUIRED	31 31 31 32	9 Obtained EPA ID no. if required 9 Complied with hazardous waste storage requirements 9 Disposed of hazardous waste within designated time frames 9 Completed annual generator reports, if required 9 ISSUE NOT ENCOUNTERED	9 Not in Compliance (N____) <sup>#</sup> 9 Not in Compliance (N____) <sup>#</sup> 9 Not in Compliance (N____) <sup>#</sup> 9 Not in Compliance (N____) <sup>#</sup>
<b>' Hazardous Waste (hw) Transport &amp; Disposal</b> 9 <i>not identified during Design</i>	Haz. waste must be transported by licensed waste transporters; request a copy of the transporter's Part 364 permit and verify information. Sign and distribute a manifest to track the hw disposal. Confirm that the designated disposal facility is authorized and has capacity to accept the waste.	9 6 NYCRR Parts 370-374 requirements <sup>S1</sup> 9 49 CFR 172-173 requirements <sup>F8</sup> 9 NO ACTION REQUIRED	31 28 33 n/a	9 Used confirmed authorized disposal facility 9 Used confirmed licensed transporter 9 Employed manifest system 9 Met USDOT labeling/shipping requirements 9 ISSUE NOT ENCOUNTERED	9 Not in Compliance (N____) <sup>#</sup> 9 Not in Compliance (N____) <sup>#</sup> 9 Not in Compliance (N____) <sup>#</sup> 9 Not in Compliance
<b>' Environmental Regulatory Fees</b> 9 <i>not identified during Design</i>	Annual regulatory fees are required for hazardous waste generation exceeding 15 tons and for any SPDES or Mined Land Reclamation permits (for DOT/contractor mining permits).	9 6 NYCRR Parts 480-481 requirements <sup>S1</sup> 9 NO ACTION REQUIRED	31B 58A 44A	9 Paid hazardous waste program fee, if required 9 Paid SPDES program fee, if required 9 Paid mined land reclamation fee, if req'd 9 ISSUE NOT ENCOUNTERED	9 Not in Compliance (N____) <sup>#</sup> 9 Not in Compliance (N____) <sup>#</sup> 9 Not in Compliance (N____) <sup>#</sup>

# ENVIRONMENTAL COMMITMENTS & OBLIGATIONS PACKAGE (ECOPAC) for CONSTRUCTION

## CULTURAL RESOURCES; NOISE

Environ. Issue	Construction Issues	Permit/Approval Obtained (Expected)	Audit Reg #	Compliance Requirements	Noncompliance (Rank)#
<b>Cultural Resources</b> 9 not identified during Design	No construction, grading, filling, excavating, clearing, stockpiling, storing, staging, tree removal or other related activities allowed in or near cultural resources (historic or prehistoric) without Regional Environmental Contact (REC) consultation with State Historic Preservation Officer (SHPO) or as specifically shown on Contract Plans or noted within Contract Proposal.	9 Listed/eligible property for the National Register for Historic Places in project area <sup>F6</sup> 9 OPRHP/SHPO effect determinations with conditions <sup>S3, F6</sup> (_____)	n/a	9 No design changes in vicinity of listed or eligible properties without REC or SHPO approval	9 Not in Compliance
		9 DOT/FHWA/SHPO project-specific MOA <sup>F7, F6</sup> (_____) 9 NO ACTION REQUIRED	n/a	9 Complied with conditions of OPRHP/SHPO determination of effect letters	9 Not in Compliance
			n/a	9 Complied with stipulations of DOT/FHWA/SHPO project-specific MOA	9 Not in Compliance
				9 ISSUE NOT ENCOUNTERED	
<b>Noise Abatement</b> 9 not identified during Design	Install noise abatement measures early in construction when feasible.	9 23 CFR Part 772 requirements <sup>F7</sup> 9 NO ACTION REQUIRED	n/a	9 Installed noise abatement measures properly	9 Not in Compliance
				9 ISSUE NOT ENCOUNTERED	

## LIMITED SCOPE ENVIRONMENTAL ISSUES

Environ. Issue	Construction Issues	Permit/Approval Obtained (Expected)	Audit Reg #	Compliance Requirements	Noncompliance (Rank)#
<b>Wild, Scenic, Recreational Rivers</b> 9 not identified during Design	Activities are restricted in designated state or federal wild, scenic or recreational rivers corridor unless permitted and shown on Contract Plans or noted within Contract Proposal.	9 ECL Article 15, Title 27 permit <sup>S1, S5</sup> (_____) 9 NPS coordination (P.L. 95-625) <sup>F3</sup> 9 NO ACTION REQUIRED	40	9 Complied with Article 15, Title 27 permit	9 Not in Compliance (N____)#
			n/a	9 Complied with Nat'l Park Svce conditions	9 Not in Compliance
				9 ISSUE NOT ENCOUNTERED	
<b>Dams &amp; Impoundments</b> 9 not identified during Design	Prior approval from NYSDEC is required for erecting, constructing, reconstructing or repairing a dam or impoundment structure with a height >10 feet or with a storage capacity >1 million gallons, or with a drainage area >1 sq. mile.	9 ECL Article 15-0503 written approval <sup>S1</sup> (_____) 9 NO ACTION REQUIRED	53	9 Complied with DEC Article 15-0503 approval	9 Not in Compliance (N____)#
				9 ISSUE NOT ENCOUNTERED	
<b>Flood Control Lands</b> 9 not identified during Design	A Part 501 permit is required for Use of Flood Control Lands under NYSDEC jurisdiction for activities such as those which result in destruction of trees, shrubs and other vegetation; changing any feature of the existing landscape; addition of gutters, sidewalks, driveways, parking lots or spaces; outdoor lighting; installation of utilities; or operation of a motor vehicle.	9 6 NYCRR Part 501 permit <sup>S1</sup> (_____)  9 NO ACTION REQUIRED	54A	9 Complied with DEC Part 501 permit for restricted use activities in Flood Control Lands	9 Not in Compliance (N____)#
			54B	9 Complied with DEC Part 501 permit for operation of motor vehicle in flood control lands	9 Not in Compliance (N____)#
				9 ISSUE NOT ENCOUNTERED	
<b>State Lands</b> 9 not identified during Design	Use of State Lands under the jurisdiction of NYSDEC (e.g. Forest Preserve Lands, Adirondack Park and Catskill Park) requires a permit from NYSDEC.	9 ECL Article 9-0105 permit <sup>S1</sup> (_____) 9 NO ACTION REQUIRED	39	9 Complied with Use of State Lands permit	9 Not in Compliance (N____)#
				9 ISSUE NOT ENCOUNTERED	
<b>Indirect Source Permit</b> 9 not identified during Design	Projects involving construction in New York County south of 60 <sup>th</sup> Street requires an indirect source air permit.	9 6 NYCRR Part 203 permit <sup>S1</sup> (_____) 9 NO ACTION REQUIRED	11	9 Complied with indirect source permit	9 Not in Compliance (N____)#
				9 ISSUE NOT ENCOUNTERED	

name: \_\_\_\_\_ sig: \_\_\_\_\_ title: \_\_\_\_\_ date: \_\_\_\_\_

name: \_\_\_\_\_ sig: \_\_\_\_\_ title: \_\_\_\_\_ date: \_\_\_\_\_

# ENVIRONMENTAL COMMITMENTS & OBLIGATIONS PACKAGE (ECOPAC) for CONSTRUCTION

## ENVIRONMENTAL ISSUES IN CONSTRUCTION (to be completed by EIC)

NYSDEC SPILLS HOTLINE: (800) 457-7362

Environ. Issue	Construction Issues	Permit/Approval Obtained (Expected)	Audit Reg #	Compliance Requirements	Noncompliance (Rank) <sup>#</sup>
' <b>C &amp; D Waste</b>	These construction & demolition (C&D) wastes are exempt from landfill permitting and can be spoiled on-site or off-site during daylight hours if no fee is involved: uncontaminated soil, rock, concrete and concrete products, asphalt pavement, brick and glass. Land clearing and yard debris (i.e., trees, stumps, yard waste and wood chips) are also exempt if disposal occurs on property owned by or under the control of DOT. Excess or other C&D wastes must be sent to a C&D or solid waste disposal facility. Note for Long Island: any land filling (including C&D material) requires a permit on Long Island.	9 6 NYCRR Parts 360-1.2; 360-1.15; 360-7 requirements <sup>S1</sup> 9 NO ACTION REQUIRED	50B	9 Properly disposed of C & D waste  9 ISSUE NOT ENCOUNTERED	9 Not in Compliance (N____) <sup>#</sup>
' <b>Staging Areas &amp; Spoil Areas</b>	Equipment and construction material may be staged on suitable on-site or off-site locations. Uncontaminated excavated material may be spoiled in suitable on-site and off-site locations. Do not stage or spoil material in wetlands, waters, floodplains, forest preserve lands, prime agricultural land, historic resources, visually sensitive areas and other environmentally sensitive locations. Do not place portable tank and/or drum storage of fuels and hazardous materials where spillage could occur to waterways or other sensitive receptors. Complete erosion control and site reclamation.	9 6 NYCRR Part 360 requirements <sup>S1</sup>  9 NO ACTION REQUIRED	n/a	9 Staging areas and spoil areas properly sited; no environmentally sensitive resources impacted by staging or spoil disposal 9 ISSUE NOT ENCOUNTERED	9 Not in Compliance
' <b>Borrow Areas</b>	Confirm that contractor has acceptable borrow sources and a mining permit for any source of more than 907 metric tons/575 cu. meters (or 76 cu. meters adjacent to unregulated water bodies) of minerals removed within a 12 mo. period, excluding excavation integral to construction (e.g., roadbed). Confirm that erosion control and reclamation were completed at the area. Note: DOT does not need to determine status of commercial sources.	9 6 NYCRR Parts 420-426 requirements <sup>S1</sup> 9 NYSDEC/NYS DOT 1977 MOU <sup>S1</sup>  9 NO ACTION REQUIRED	44  44	9 Contractor with valid mining permit, if required 9 Followed DOT's contract specifications for mining and reclamation plans 9 ISSUE NOT ENCOUNTERED	9 Not in Compliance (N____) <sup>#</sup>  9 Not in Compliance (N____) <sup>#</sup>
' <b>Spills Reporting</b>	Report all petroleum spills (e.g., gasoline, diesel, fuels, waste oil) and hazardous substance spills above reportable quantities (RQ) (see Table 51-1 of NYSDEC Audit Guidance) to NYSDEC Spills Unit (ph:1-800-457-7362) within 2 hours and to the REC. Report any releases or leaks from tanks to NYSDEC Spills Unit. Petroleum spills of less than 5 gal onto impermeable surfaces that are completely cleaned up with no remaining contamination within 2 hours are exempt from reporting requirements. Note: a spill is not the violation; failure to report and act on it is.	9 6 NYCRR Part 613 requirements <sup>S1</sup> 9 6 NYCRR Part 595 requirements <sup>S1</sup> 9 NO ACTION REQUIRED	56A  51A	9 Properly reported petroleum spill(s) 9 NO NON-EXEMPT PETR. SPILLS 9 Properly reported RQ hazardous substance spill(s) 9 NO RQ HAZ. SUBSTANCE SPILLS	9 Not in Compliance (N____) <sup>#</sup>  9 Not in Compliance (N____) <sup>#</sup>

ENVIRONMENTAL COMMITMENTS & OBLIGATIONS PACKAGE (ECOPAC) for CONSTRUCTION	
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## ENVIRONMENTAL ISSUES IN CONSTRUCTION (cont'd) (to be completed by EIC)

<u>Environ. Issue</u>	<u>Construction Issues</u>	<u>Permit/Approval Obtained (Expected)</u>	<u>Audit Reg #</u>	<u>Compliance Requirements</u>	<u>Noncompliance (Rank)<sup>#</sup></u>
' <b>Construction Noise</b>	Keep construction noise to a minimum. Comply with all work hour restrictions. Consider implementing public information effort if expect construction noise impacts.	9 23 CFR Part 772 requirements <sup>F7</sup> 9 NO ACTION REQUIRED	n/a	9 Complied with work hour restrictions 9 ISSUE NOT ENCOUNTERED	9 Not in Compliance
' <b>Open Burning</b>	DOT policy is to avoid any open burning. An Open Fires permit is required for burning conducted on-site or at a designated burn site for land clearing and/or demolition material of wood, tree trimmings, leaves or brush. No other burning allowed.	9 6 NYCRR Part 215 permit <sup>S1</sup> (_____) 9 NO ACTION REQUIRED	13	9 Obtained Part 215 Open Fires permit 9 NO OPEN BURNING ON PROJECT	9 Not in Compliance (N____) <sup>#</sup>
' <b>General Nuisance</b>	Project activities shall not cause or allow emissions of air contaminants, including asphalt emissions and dust, to the outdoor atmosphere of such quantity, characteristic or duration which are injurious to human, plant or animal life or to property, or which unreasonably interfere with the comfortable enjoyment of life or property.	9 6 NYCRR Part 211 requirements <sup>S1</sup> 9 NO ACTION REQUIRED	7	9 Complied with DEC Part 211; received no public complaints 9 ISSUE NOT ENCOUNTERED	9 Not in Compliance (N____) <sup>#</sup>
' <b>Diesel Engine Emissions</b>	All diesel vehicle exhaust must be clear and not include dense smoke. Diesel vehicles should not idle for more than 5 continuous min. except when necessary for operator comfort or when vehicle would remain motionless for more than 2 hours at temp. <25°F or when necess. to provide power for an additional purpose such as construction.	9 6 NYCRR Part 217.3 requirements <sup>S1</sup> 9 NO ACTION REQUIRED	5C	9 Complied with DEC Part 217.3 for diesel engines 9 ISSUE NOT ENCOUNTERED	9 Not in Compliance (N____) <sup>#</sup>
' <b>Solid &amp; Hazardous Waste Reduction</b>	Follow DOT policy to reduce the amount and toxicity of solid and hazardous waste generated, to reuse or recycle material, and to select ultimate disposal methods that minimize future environmental impacts. Techniques include substituting a hazardous substance with a less hazardous material; segregating wastes; reusing wastes; recycling.	9 ECL 27-0106 requirements <sup>S1</sup>	71	9 Implemented effective solid and hazardous waste reduction techniques	9 Not in Compliance (N____) <sup>#</sup>

OTHER ENVIRONMENTAL ISSUES/NOTES	
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name: \_\_\_\_\_ sig: \_\_\_\_\_ title: \_\_\_\_\_ date \_\_\_\_\_

name: _____ sig: _____ title _____ date: _____

**STATE AGENCIES:** <sup>S1</sup>NYS Dept. of Environmental Conservation (NYSDEC); <sup>S2</sup>NYS Dept. of State (NYSDOS); <sup>S3</sup>Office of Parks, Recreation & Historic Preservation (OPRHP); <sup>S4</sup>NYS Dept. of Labor (NYSDOL); <sup>S5</sup>Adirondack Park Agency (APA); <sup>S6</sup>New York City Dept. of Environmental Protection (NYCDEP); <sup>S7</sup>NYS Dept. of Health (NYSDOH); <sup>S8</sup>NYS Dept. of Agric. & Markets

**FEDERAL AGENCIES:** <sup>F1</sup>US Army Corps of Engineers (USACOE); <sup>F2</sup>US Coast Guard (USCG); <sup>F3</sup>National Park Service (NPS); <sup>F4</sup>US Fish & Wildlife Service (USFWS); <sup>F5</sup>US Environ. Protection Agency (USEPA); <sup>F6</sup>State Historic Preservation Officer (SHPO); <sup>F7</sup>Fed. Highway Admin. (FHWA); <sup>F8</sup>US Dept. of Transportation (USDOT); <sup>F9</sup>Natural Resources Conservation Svce. (NRCS)

# **CONTACT THE REGIONAL ENVIRONMENTAL AUDIT COORDINATOR** FOR ASSISTANCE WITH ASSIGNING DEC AUDIT NONCOMPLIANCE RANK AND COMPLETING A NON-COMPLIANCE REPORT & REMEDIAL PLAN

**NON-COMPLIANCE RANK DEFINITIONS:** N1 (imminent substantial threat to the public health or environment) N2 (substantial threat to the public health or environment)  
N3 (discernible but not substantial threat to the public health or environment) N4 (no evidence or discernible threat to the public health or environment)